

UNITED STATES COURT OF APPEALS  
FOR THE TENTH CIRCUIT

VOTER REFERENCE FOUNDATION,  
LLC,

Plaintiff-Appellee,

v.

No. 22-2101

HECTOR BALDERAS, in his official capacity as New Mexico Attorney General; and MAGGIE TOULOUSE OLIVER, in her official capacity as New Mexico Secretary of State,

Defendants-Appellants.

DECLARATION OF MANDY VIGIL

I, Mandy Vigil, declare, under penalty of perjury, pursuant to 28 U.S.C. § 1746, that the following is true and correct:

1. I am The State Elections Director in the New Mexico Office of the Secretary of State.
2. In this role, I am familiar with requests for voter data that are received by the Secretary of State's Office. I also am familiar with complaints and inquiries that the Secretary of State's Office has received concerning the Office's handling of voter data.



3. Attached as Exhibit A is a request the Secretary of State received from Voter Reference Foundation under the New Mexico Inspection of Public Records Act and the National Voter Registration Act. The request seeks, among other things, voter registration data for all voters as it existed on November 8, 2022, voter registration data for all voters removed or canceled from any voter list between September 24, 2022, and December 15, 2022, and the voting history and voter ID for all voters in the 2022 general election.

4. This voter registration data requested by Voter Reference Foundation includes the home address and party affiliation of all individuals registered to vote in New Mexico.

5. The Secretary of State's Office has received 23 complaints from individuals concerned that their voter data, including home addresses, has been posted online by Voter Reference Foundation. Individuals asked how they may have their information removed. Several asked to cancel their voter registration to remove their name from the posted data.

6. The Secretary of State's Office has also received inquiries from state and federal court entities, the New Mexico Department of Corrections, and the U.S. Marshals Service, concerned that Voter Reference Foundation's

postings endanger judges, corrections officers, law enforcement, and other personnel.

Dated: Santa Fe, New Mexico

November 10, 2022



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Mandy Vigil



STATE OF NEW MEXICO

**MAGGIE TOULOUSE OLIVER**

SECRETARY OF STATE

### **REQUEST TO INSPECT PUBLIC RECORDS**

In accordance with the Inspection of Public Records Act (IPRA) Section 14-2-1 NMSA 1978, as amended, every person has the right to inspect public records maintained by the New Mexico Secretary of State's Office, with certain exceptions. A "public record" is defined to include any document, tape or other material, regardless of form, that is used, created, received, maintained or held by or on behalf of a public body, and is related to public business.

***Do not use this form to request information. This form should only be used to request public records as defined above.***

Date: 10/18/2022

Gina Swoboda  
First Name Last Name

1901 Butterfield Road, Suite 120  
Address

Downers Grove IL 60515  
City State Zip

data@voterreferencefoundation.c 844-302-2109  
Email Address Phone Number

#### **PLEASE IDENTIFY THE RECORDS SOUGHT WITH REASONABLE PARTICULARITY:**

**(Please print)**

Please see attached

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**Ex. A**



October 18, 2022

New Mexico Secretary of State  
[ipra.sos@state.nm.us](mailto:ipra.sos@state.nm.us)

Dear Election Official,

Regarding the upcoming 2022 General Election, we request that you provide us the following data **as each item becomes available:**

1. Voter registration data for all voters, including each voter's classification or status (e.g., active, inactive, suspended, canceled, purged, etc.), down to the lowest geopolitical subdivision available (precinct, municipality, town, county, etc.), as it exists on November 8, 2022, or as close to this date as possible;
2. Records reflecting the total ballots cast, statewide, in the November 8, 2022, general election;
3. Voter registration data for all voters removed or canceled from any voter list (e.g. active list, inactive list, suspended list, purged list, deleted list, etc.) between September 24, 2022 and December 15, 2022;
4. Voting history/credit data for each voter that voted in items 1-3 for the November 8, 2022, general election, including the method of voting (election day polling place, absentee, early, etc.), and the voting jurisdiction the vote occurred in, down to the lowest geopolitical subdivision available (precinct, municipality, town, county, etc.); and
5. The unique voter ID or key identifier of each voter that voted in the November 8, 2022, general election.

Please provide each item as it becomes available rather than holding the request until all items are available.

This request is being made by Voter Reference Foundation under the National Voter Registration Act of 1993, 52 U.S.C. § 20501, *et. seq.*, and specifically 52 U.S.C. § 20507(i). This request is also being made under the New Mexico Public Records Law, NMSA 1978, §14-2-1 to – 12.

Please provide the records in electronic format, either in the original file format, or as a CSV, Excel, TXT or PDF file, by email or an online file hosting service (such as Dropbox).

You may reply to us with the documents or with any questions at [data@voterreferencefoundation.com](mailto:data@voterreferencefoundation.com). We appreciate your prompt assistance in providing these records.

Sincerely,

Voter Reference Foundation